

RESOLUTION

Guardianship Certification Board to Obtain Criminal History Information

A RESOLUTION TO: Amend Government Code to authorize Guardianship Certification Board to obtain criminal history information.

WHEREAS: Chapter 111 of the Government Code establishes the Guardianship Certification Board, charged with the executive function to implement a program for certifying private professional guardians and persons who provide guardianship services to wards of state, local, county and regional guardianship programs; and, under Section 111.042 the Supreme Court will adopt rules establishing qualification for persons who desire to be certified; and,

WHEREAS: the Board does not have authority to obtain criminal history information from the Department of Public Safety as part of its investigation of an applicant or guardian, which would be important to obtain directly from the Department rather than as a part of the application; and, under Section 411.1386 of the Texas Government Code, the code currently provides that county clerks in counties having venue over proceedings for the appointment of guardians may obtain criminal history for DPS, but cannot release or disclose information without court order or consent of person; and,

WHEREAS: Guardianship programs must also obtain criminal background checks prior to employing persons to serve as a guardian; and, the expense of obtaining the criminal background check would therefore be replicated **three** times for the same person; thus, It would be a cost savings to both the county and local guardianship programs if the Guardianship Certification Board were authorized to obtain the criminal background check as part of the certification/recertification process; now, therefore, be it

RESOLVED: That the 11th Texas Silver-Haired Legislature requests the 80th Texas Legislature to amend Section 411.1403 to the Texas Government Code to authorize the Guardianship Certification Board to obtain criminal history information from the Department of Public Safety as part of its investigation of an applicant and to eliminate this requirement for county courts and guardianship programs.

PASSED AND APPROVED this 13th day of September, 2006, by
the Criminal Justice Committee.

Art Olson, Chair

PASSED AND APPROVED this 14th day of September, 2006, by
the Texas Silver-Haired Legislature.

Charlotte Parks, Speaker

ATTEST:

Carlos Higgins, Secretary